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| 10/549,392 | 09/05/2006 | Davide Antilli | 4280-108 | 1628 |

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| EXAMINER |
|---|
| NGUYEN, PHUNG HOANG JOSEPH |

| ART UNIT | PAPER NUMBER |
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| 2614 | |

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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

| | Application No. | Applicant(s) |
| --- | --- | --- |
| | 10/549,392 | ANTILLI, DAVIDE |
| **Office Action Summary** | Examiner | Art Unit | |
| | PHUNG-HOANG J. NGUYEN | 2614 | |

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --*

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1)☐ Responsive to communication(s) filed on *9/30/2008*.

2a)☒ This action is **FINAL**.     2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4)☒ Claim(s) *1-3 and 5-27* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3 and 5-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

**Application Papers**

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____.

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

1)☐ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

# DETAILED ACTION

1.      Applicant's amendment filed 9/30/2008 has been carefully considered and has

been entered.  Claims 1-3, 12, 17 and 22 have been amended.    No new claim is

added.   Claim 4 is cancelled. Claims 1-3 and 5-27 are still pending in this application,

with claims 1, 12, 17 and 22 being independent.

## *Claim Objections*

Claims 9-10 recite "according to claim 4".  Claim 4 is non-existing after the

cancellation.  Clarification or correction is required.

## *Claim Rejections - 35 USC § 112*

2.      The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

Claims 1-3, 5-16 and 22-27 are rejected under 135 USC 112, second paragraph,

as being indefinite for failing to point out and distinctly claim the subject matter which

applicant regards as the invention.

Regarding claims 1, 12 and 22 recites "…and/or… which render the claim

indefinite because it is unclear whether the limitations following the phrase are part of

the claimed invention.  See MPEP § 2173.05(d).

Claims 2-3 and 5-11, 13-16 and 23-27 are rejected for being depending on the

rejected base claims.

## *Claim Rejections - 35 USC § 103*

3.      The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.      **Claims 1-12 and 17-27are rejected under 35 U.S.C. 103(a) as being**

**unpatentable over Wilson (EP 1 195 975) in view of Wildman et al. (EP 1 168 791).**

As to claims 1, 12, 17 and 22-27, Wilson teaches a system for establishing a

connection between a contact requester and a plurality of communications centers

comprising:

a message receiver for accepting a message and a contact number sent from a

mobile station *(a message decoder for receiving a text message from a mobile station*

*of a mobile radio communication… , par. 0023);*

a parser for parsing the message and identifying one or more identifiers in the

message, including a destination identifier *(call connection means sending an*

*identification signal characteristics of the telephone number and said mobile station,*

*par. 0023);* and

Furthermore, Wilson also teaches (specifically in addition to claim 22-27):

the communications device *(Mobile station, MS 1, see fig. 2)* comprising:

a display device for displaying a graphical user interface; a first memory for

storing a plurality of icons for display on said graphical user interface; and a second

memory for storing a plurality of destination numbers associated with one or more of the

plurality of icons (By inherence, it is clear to the ordinary skilled artisan that Wilson

teaches a mobile communication network using the Mobile Application Protocol MAP

with dialing system would be comprising of GUI display where the screen display would

list the information in text or icons, a memory to store the telephone numbers (Dialed,

Received, Missed numbers) and thus allow the user to build his own database of

address book or contact list).  Furthermore, Wilson teaches a communication device

(*mobile telephone*) has memory for storing telephone numbers and appropriate

alphanumeric identifiers (par. 0013-0015), Short Message Service forming part of the

GSM standard enables alphanumeric text messages to be sent to the destination

including a database for providing information in response to a query (par. 0017); the

communication device sends message to the database ADDD that storing destination

numbers associated with contact number (par. 0027)

As seen above, Wilson teaches the destination and the contact number and

though Wilson teaches the call setup by translating a text message as a request for a

call connection to a telephone number associated with the text message (Abstract),

Wilson does not explicitly describes a connector which uses the destination

identifier and the contact number to first attempt to automatically establish a first

telephonic connection between the connector and a requested one of the plurality of

communications centers and subsequently establish a second telephonic connection

between the connector and the contact requester, thus establishing a complete

connection between the contact requester and the requested one of the plurality of

communication centers, wherein the establishment of the first telephonic connection

and/or the establishment of the second telephonic connection between the connector

and the contact requester is repeatable until the complete connection is established.

Wildman however teaches a connector *(call-back handler)* which uses the

destination identifier and the contact number to first attempt to automatically *(call-back*

*handler may also include a voice call handler 143 for automatically dealing with voice*

*call, par. 0064)* establish a first telephonic connection (connect the callback-handler to

the client, par. 0015, 0016, 0017, 0019) between the connector and a requested one of

the plurality of communications centers *(ACD centers)* and subsequently establish a

second telephonic connection between the connector and the contact requester *(when*

*this occurs, the call-back handler dials (31) the original caller directly and connects*

*together (33) the calls to the client and to the caller whereby the caller is connected to*

*the client (7), par. 0047)*, thus establishing a complete connection between the contact

requester and the requested one of the plurality of communication centers, wherein the

establishment of the first telephonic connection and/or the establishment of the second

telephonic connection between the connector and the contact requester is repeatable

until the complete connection is established. *(See fig. 7 for the Retry in X minutes,*

*the number is busy or unobtainable, a system alert is issued (73) and the call put in a*

*virtual queue (75) for retry in a predetermined number of minutes (77), par. 0075. Also*

*see fig. 7, label 93) f*or the purpose of persistently using the callback handler to make

connection between a client and an agent for customer's satisfaction in response time

as well as avoiding losing a customer to a competitor.

Furthermore, Wildman teaches (specifically in addition to claim 12)

a plurality of work stations for use by staff members *(a call center with a number*

*of agents or operators, or a group of persons, par. 0035, 0047 and 0083);* and

a connection acceptor for accepting a communications center connection and for

passing the request to one of the plurality of work stations *(see fig. 7 and 8 for the*

*process of a call setup is taken place. Par. 0074-0077 and 0080-0084).*

Therefore, it would have been obvious to the ordinary skilled artisan at the time

of the invention was made to incorporate the teaching of Wildman into the teaching of

Wilson for the purpose of eliminating the waiting in the queue problem where the

"callers to a call centre frequently object to being held in a queue and can become irate

or hang up if they have to wait too long. Those customers may then call a competitor, or

simply not call back. Furthermore, if the callers become irate over the length of time

they have to wait this makes it difficult for the agent to expeditiously deal with the

incoming caller when the agent finally becomes available" (par. 0007).

Subsequently the combination of Wilson and Wildman would provide a better

system in setting up a call by making connection based on the telephone number

associated with the text message (Wilson) and also to avoid the long wait in the queue

when the customer may take the service to the competitors (Wildman).

As to claim 2, Wilson, in view of Wildman, teaches a look-up table *(ADDD*

*database, par. 0026-0027)* having a list of communications centers and a correlated list

of destination identifiers, whereby the connector uses the look-up table to establish the

requested one of the plurality of communications centers *(ACD centers)* from the

destination identifier *(par. 0023, 0027).*

As to claims 3 and 11, Wilson does not teach queuing in a queue requests to establish the connection between the contact requester and the requested one of the plurality of communications centers. Nor does Wilson teach a list of staff members at the plurality of communications centers to whom the requests may currently be sent.

Wildman teaches queuing in a queue requests to establish the connection between the contact requester and the requested one of the plurality of communications centers ([0006]) and a list of staff members at the plurality of communications centers to whom the requests may currently be sent *(a call center with a number of agents or operators, or a group of persons, par. 0035, 0047 and 0083);*

As to claim 5, Wilson does not teach the connector establishes a telephone connection between the contact requester and a staff member at the communication center.

Wildman teaches the connector establishes a telephone connection between the contact requester and a staff member at the communication center (par. 0035, 0047 and 0083).

As to claims 6-7 and 18-19, Wilson does not teach passing one or more identifiers to the requested one of the plurality of communication centers.

Wildman teaches passing one or more identifiers to the requested one of the plurality of communication centers *(ACD centers).*

As to claim 8, Wilson, in view of Wildman, teaches the message is in either a text format (SMS text message, par. 0027), an audio format or an image format.

Claims 9-10 (see claim objection section).

For the purpose of continued examination, examiner assuming that claims 9-10 do exist.

As to claim 9, Wildman teaches at least one timer for timing the length of time required to established the communication center connection ([0010] and [0036] - *where Wildman discussed handling a call back queue with a time controller, and arranging to place a pre-determined number of calls at one time, hence it would have been obvious to one of ordinary skill in the art that the time controller for timing the length of time required to establish the connection*).

As to claim 10, Wildman teaches if the contact requester connection between the connector and the contact requester cannot established, retried a predetermined maximum number of time ([0077]); and since there are other callers waiting in the queue ([0034]), therefore, it would have been obvious to one of ordinary skill in the art at to place the request / caller at the bottom of the queue after maximum number of retries, otherwise other callers will be waiting on the queue forever and that will defeat the purpose of assisting customers or call centers.

As to claim 20, Wilson does not teach rescheduling the time for establishing a connection in the event that the connection is not established within a first time frame

Wildman teaches rescheduling the time for establishing a connection in the event that the connection is not established within a first time frame *(retry in a pre-determined number of minutes, par. 0075).*

As to claim 21, Wilson does not teach cancelling a request for connection if the connection is not established with a second time frame

Wildman teaches cancelling a request for connection if the connection is not established with a second time frame (Fig. 7, 93).

5.     **Claims 13-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilson (EP 1 195 975) in view of Wildman et al. (EP 1 168 791) and further in view of Gechter et al. (US Patent 5,274,700).**

As to claim 13, Wilson, in view of Wildman, does not teach the communication center comprising a customer relationship manager accessible by the staff members.

Gechter et al. teaches the communication center comprising a customer relationship manager accessible by the staff members (col. 2, lines 44-53; col. 4, lines 39-50).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the teachings of Gechter into the teachings of Wilson, in view of Wildman, for the purpose of have a more efficient system having a manager accessible by staff members on duty at all time to handle everyday issues.

Furthermore, as to claim 14, Gechter teaches receiving the contact number of the contact requester and accesses data in the customer relationship manager by means of the contact number (col. 2, lines 44-53 - *where Gechter discussed a system manager and agent supervisor stations connecting and receiving information from the routing means, control signals relating to the support of the supervised agent activities, hence the routing means has all routing information including contact number of the contact requester for routing purposes*).

As to claim 15, Gechter teaches the communication center including an on-line indicator to indicate which one of the work stations are in use (Fig. 4; col. 8, lines 63-65).

As to claim 16, Gechter et al. teaches the communication center including in IVR system to enable the staff member to indicate that the work station is in use (col. 12, lines 48-56).


### *Response to Arguments*

Applicant's arguments with respect to claims 1-3 and 5-27 have been considered but are not persuasive to put the application in the condition for allowance.

Examiner notices that independent claims 12, 17 and 22 have been amended to incorporate the feature of the currently amended claim 1.

As examiner gathers from the applicant's remark, the applicant's key concerns are quoted below:

> *The applicant has amended claims 1 and 17 to include the features of the establishment of a first telephonic connection between the connector and the requested communication center and the subsequent establishment of a second connection between the contact requester and the connector, for the establishment of the complete connection between the contact requester and the communication center added. Additionally, the feature that the establishment of the first and/or the second connection is repeatable until the complete connection is established has been added to the claims.*

Examiner respectfully begs the difference. Examiner first would like to point out that applicant has stated that the prior arts of Wilson and Wildman do not teach the claimed features in the current application. **The applicant however has not provided the reason in details WHY NOT.**

Examiner continues to maintain the teaching of the prior art valid and legitimate

in combination to support the rejection. As indicated Wilson does not specifically teach

*"the establishment of a first telephonic connection between the connector and the requested*

*communication center and the subsequent establishment of a second connection between the*

*contact requester and the connector".* Wildman teaches the call-back handler may include

a network connection for receiving digital information from the client. The digital

information can include information regarding the number of calls received and the

number of agents free. The call-back handler may use this information to determine the

number of call-backs to the client that the call-back handler should make (par. 0040).

Here Wildman points out the network connection, part of call-back handler setting up

the first connection with all the necessary information from the client and determines the

second connection between the client and one of the agent who is available at the time

(par. 0040). Again, callback handler will be used as a connector as it connects the

caller to the client as soon as the client becomes available, or may be at a time

proposed by the callers (par. 0045). The steps in fig.1 also show the sequence of the

connection procedure.

As a point of enhancement from the other prior arts (i.e., US Pat 6, 002,760 by

Gisby; US Pat 5,155,761 by Hammond and US Pat 5,559,878 by Keys), Wildman

describes how a queue works and an out-dialer dials the original caller back to connect

that caller with an agent. The problem with these prior art is customer may just drop the

call for unwilling to wait for the turn. Wildman improves the prior arts with the call-back

handler.

Furthermore, the applicant is concerning that whether *the feature that the establishment of the first and/or the second connection is repeatable until the complete connection is established has been added to the claims.*

Wildman certainly demonstrates it as he discusses if the client is busy, or not answer.   Firstly, the call-back handler calls the client, i. e. the originally called party, and determines (71) whether the client answers. This call is placed by sending conventional public service telephone signals down a telephone line. The signals are interpreted by a switch, for example a public telephone exchange, a client PBX or ACD or a combination of the above to connect the call to the client as is known. If the client does not answer, whether there is no answer, the number is busy or unobtainable, a system alert is issued (73) and the call put in a virtual queue (75) for retry in a predetermined number of minutes (77), (par. 0075-0077).

In general, examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. Applicant should consider the entire prior art as applicable as to the limitations of the claims. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

## Conclusion

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to PHUNG-HOANG J. NGUYEN whose telephone number

is (571)270-1949. The examiner can normally be reached on Monday to Thursday,

8:30AM - 5:00PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Curtis Kuntz can be reached on 571 272 7499. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system.  Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

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For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


/CURTIS  KUNTZ/                                      /Phung-Hoang J Nguyen/
Supervisory Patent Examiner, Art Unit 2614          Examiner, Art Unit 2614